FILED

	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS	NOV 1 8 2011
	WESTERN DIVISION	MICHAEL W. DOBBINS CLERK, U.S. DISTRICT COURT
SHERRY THOMPSON,)	STATE OF THE STATE
)	
Plaintiff,)	tidos Dovaha
)	Judge Reinhard
-vs-)	Case No. 2011 CV 50342
)	
ROSECRANCE HEALTH NETWORK,)	
)	
Defendant.)	

This is an Americans with Disabilities Act case brought by the Plaintiff, Sherry Thompson, against the Defendant, Rosecrance Health Network. Compensatory and punitive damages are sought against the Defendant. Trial by jury is demanded.

COMPLAINT

PARTIES

- 1. The Plaintiff, Sherry Thompson, is a female and a resident of Winnebago County, Illinois.
- 2. The Defendant, Rosecrance Health Network, is an Illinois Not-For-Corporation with its principal office in Rockford, Illinois.
 - 3. The Plaintiff was employed by the Defendant from September 9, 2009 to May 11, 2010.

JURISDICTION AND VENUE

- 4. This action arises under the Americans with Disabilities Act, 42 U.C.S. 12101et seq.
- 5. Venue is proper under 28 U.S.C. § 1391 in that the Plaintiff resides in and all of the acts complained of took place in the Northern District of Illinois, Western Division.
 - 6. This Court has jurisdiction in this cause under 28 U.S.C. sections 1331, 1334 and 1367.

7. At all times material to the issues raised in this Complaint, the Defendant was engaged in interstate commerce and in the business of designing and manufacturing energy control and optimization solutions used in global infrastructure equipment.

FACTUAL ALLEGATIONS

- 8. The Plaintiff began working for the Defendant on September 9, 2009 as Environmental Services Supervisor.
- 9. The Environmental Services Supervisor was responsible for the maintenance of the various buildings owned and utilized by the Defendant.
- 10. The Plaintiff had a staff of nine direct reports and worked with various vendors for systems such as HVAC, plumbing, electrical and elevators.
- 11. The Plaintiff at all times relevant to the matters set forth in this Complaint met or exceeded the Defendant's reasonable job expectations.
- 12. On or about April 26, 2010 the Plaintiff informed the Defendant that she suffered from anxiety and depression and requested two weeks off as requested by her physician.
- 13. The Plaintiff was informed by the Defendant that in order to take the time off she would have to use accrued vacation and personal time.
 - 14. On or about May 10, 2010, Plaintiff was released by her doctor to return to work.
- 15. Plaintiff's doctor's release recommended that she return to work on a reduced schedule and Plaintiff asked the Defendant to accommodate that request and allow her to work a reduced work schedule for a two week period.
- 16. Defendant told Plaintiff that the request for a reduced work schedule would be discussed when she returned to work on May 11, 2010.
- 17. On May 11, 2010, the Plaintiff was terminated by the Defendant without any discussion regarding her request for a reduced work schedule.

VIOLATION OF THE AMERICANS WITH DISABILITIES ACT (42 U.S.C. §12112)

- 18. The Plaintiff realleges the allegations contained in paragraphs 1 through 17.
- 19. That at the time of her termination the Plaintiff had been diagnosed with anxiety disorder and depression.
- 20. That the time of her termination, the Plaintiff was a "qualified individual with a disability" as defined by the ADA.
- 21. That at the time of the Plaintiff's termination, the Defendant was a "covered entity" as defined by the ADA.
- 22. When the Plaintiff was released to return to work on May 10, 2010 she requested a reasonable accommodation from the Defendant, i.e. to be placed on a reduced work schedule for a period of two weeks.
- 23. Plaintiff told by the Defendant that her request would be discussed on the following day, May 11, 2010 when she returned to work.
- 24. The Defendant did not reasonably accommodate the Plaintiff's known disability when requested by the Plaintiff.
 - 25. The Defendant discharged the Plaintiff because of her known disability on May 11, 2010.
- 26. The Defendant retaliated against the Plaintiff for requesting a reasonable accommodation for her disability by terminating her employment.
- 27. That on November 3, 2010, the Plaintiff filed a two Charges of Discrimination with the Equal Employment Opportunities Commission, a copies of which are attached to this Complaint as Exhibits A & B.
- 28. That on August 19, 2011 the EEOC issued the Plaintiff a Notice of Right to Sue for each Charge of Discrimination, copies of which are attached to this Complaint as Exhibits C & D.

Case: 3:11-cv-50342 Document #: 1 Filed: 11/18/11 Page 4 of 11 PageID #:4

29. That the actions of the Defendant in discharging the Plaintiff because of her disability, failing to grant her request for a reasonable accommodation and discharging the Plaintiff in retaliation for her requesting a reasonable accommodation constituted a violation of the ADA.

30. That as a result of the Defendant's conduct, the Plaintiff has sustained severe and substantial damages and injuries including, but not limited to, lost earnings, lost heath and dental insurance benefits and emotional distress.

WHEREFORE, the Plaintiff demands judgment against the Defendant as follows:

- A. That the Plaintiff be awarded compensatory damages for emotional distress; and
- B. That the Plaintiff be awarded back pay, front pay and lost wages; and
- C. That the Plaintiff be compensated to any medical and dental expenses she incurred since her termination.
 - D. That the Plaintiff be awarded such other relief as this Court may deem just and proper.

SHERRY THOMPSON-Plaintiff

Ву:		
	Charles I. Prorok	

Charles J. Prorok
Prorok Law Office, P.C.
One Court Place, Suite 301
Rockford, Illinois 61101
815-964-4501 ext 105
c.prorok@comcast.net

VERIFICATION

The undersigned declares under penalty of perjury that she is the plaintiff in the above action, that she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C. §1621.

Executed at <u>Prorok Law Office, P.C.</u>	on November 18, 2011
/s/Sherry Thomspon	
Sherry Thompson	

CHARGE OF DISCRIMINATION		ACTON				
I TO THE TAX TO ALLECTED DV TOP PRINCES A SECTION A SECTION A SECTION AS A SECTION	Statement	AGEN	CY ED	CHARGE NUMBER		
A A A A A A A A A A A A A A A A A A A	1	;;: 1 <i>D</i>)	ak.			
#		EEOC		440-20	11-00505	
Yes					11 00305	
Illinois Department	of Humai	Rights	and EE	OC		
NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.)						
Sherry Thompson			TEL	TELEPHONE NUMBER (include area code)		
STREET ADDRESS CITY, STATE AND 712 CODE						
4409 Compton Aveneue Rockford Illinois 51101					DATE OF BIRTH	
NAMED IS THE EMPLOYED TABOR CO.					12 / 03 / 1955 M D VEAR	
LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED A NAME OF RESPONDENT	GAINST MI	AGENCY E (IF MOR)	APPREN	TICESHIP CON	MITTEE, STATE OR	
TO CONTRACT OF THE PROPERTY OF	NUM	BER OF	~ ~ ~ ~ ~ ~ ~ ~ ~	ELEPHONE (In	7 7 Y Y)	
Rosecrance Health Network	EMP MEN	LOYEES,			•	
STREET ADDRESS	15+			815-	387-5600	
CITY, STAT					COUNTY	
1021 North Mulford, Rockford, I	Illinois 6110	7		1	Winnebago	
CAUSE OF DISCRIMINATION BASED ON:			T DA	TE OF DISCRIM		
Disability, Failure to Accommodate, Retaliation for Requesti	ng Accomir	odation	EAL	RLIEST (ADEA)	EPA) LATEST (ALL)	
					210	
THE PARTICULARS OF THE CHAR					· -	
THE PARTICULARS OF THE CHARGE ARE AS FOLLO	WS:			CONTINUING AC	AUON	
SEE ATTACHED						
				NOV 0 3	2010	
Page 1 of			CHI	CAGO DISTHI	CTOFFICE	
I also want this charge filed with the EEOC. I will advise the agencies if J change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.						
	N/	- 010147	J	11		
SIGNATURE OF COMPLAINANT DATE 1 declare under peaulty that the foregoing is true and correct I swear or affir that I have read the above charge and that it is true to the best of my knowledge, information and belief						

PARTICULARS

I was employed by Rosecrance Inc. and/or Rosecrance Health Network as an Environmental Service Supervisor beginning on or about September 8, 2009. I am a qualified individual with a disability. I have been diagnosed with anxiety disorder and depression. This disability substantially impairs one or more major life activities.

Despite this disability, I was, at all times, able to perform the essential functions of my job with or without a reasonable accommodation. At all times I have met or exceeded my employer's reasonable job expectations.

On or about April 26, 2010 I informed my employer of my disability and requested two weeks off per my physician's instructions. I was informed by my employer that I must use my vacation and accrued personal time in order to take this time off. On or about May 10, 2010, I requested a reasonable accommodation, specifically to be allowed to return to work on a reduced work schedule for a two week period. I was told by my employer that we would discuss this request on May 11, 2010.

On May 11, 2010 I was terminated without any discussion of my request for an accommodation.

I believe I was terminated based on my disability or perceived disability in violation of the Americans with Disabilities Act. I believe I was denied a reasonable accommodation in violation of the Americans with Disabilities Act. I believe I was retaliated against for requesting an accommodation in violation of the Americans with Disabilities Act.

NOV 0 3 2010

CHICAGO DISTRICT OFFICE

CHARGE OF DISCRI	MINATION	AGEN	CY CHARG	GE NUMBER		
This form is affected by the Privacy Act of 19	74: Sez Privacy act st	etement IDI				
Defore completing this form.		1				
		⊠ EE	oc 4402	011-02794		
Illino	s Department of	f Human Rights	and EEOC			
NAME OF COMPLAINANT (indicate Mr. Ms.	Mes					
Sherry Tho				HONE NUMBER (include area code)		
STREET ADDRESS	<u> L</u>	E AND ZIP CODE	813-9	77-5222		
				DATE OF BIRTH		
	n Avenue Rockford			12 / 3 / 1955 M D YEAR		
NAMED IS THE EMPLOYER, LABOR ORE LOCAL GOVERNMENT AGENCY WHO D	Ganization, empi	OYMENT AGENCY	, apprenticeship co	MMITTEE, STATE OR		
LOCAL GOVERNMENT AGENCY WHO D NAME OF RESPONDENT	ISCIUMINATEU AG	NUMBER OF	<u>E THAN ONE LIST BEL</u>	OW)		
		EMPLOYEES,	TELEPHONE (I	uciade sist Code)		
Rosecrance, Inc. and Rosecrance He	alth Network	MEMBERS	814	5-391-1000		
STREET ADDRESS	CITY, STATE	AND ZIP CODE		COLINER		
3815 Harrison Avanua Barlagard III			*	COUNTY		
3815 Harrison Avenue, Rockford, 11		ulford Rd. Rockford,	Illinois 61107	Winnebago		
CAUSE OF DISCRIMINATION BASED ON:			DATE OF DISCRI	MINATION		
Disability, Failure to Accomodate, Ret	diation for Requestin	g Accomodation.	EARLIEST (ADEA	VEPA) LATEST (ALL)		
		•	5/11/10			
THE PARTICULARS OF THE CHARG	E ARE AS FOLLO	WS:	CONTINUING A	CTION		
,						
				. .		
				i		
SEE ATTACHED						
	RECEIVED EEOC					
			•			
	OCT 27 2010					
	THE PROPERTY OF THE PROPERTY O					
	CHICAGO DISTRICT OFFICE					
				1		
Page 1 of Z						
I also want this charge filed with the EEOC. I will ad	vise the agencies if f	STIR CONTINUE		_		
change my address or telephone number and I will co	pperate fully with	2002CKIRED	AND SWORN TO B	EFORE ME		
man in the account of the crimite to metabonate mi	there in the processing of my charge in accordance with their procedures.			OF Dotaler 2010.		
		-		, <u></u> ,		
		Makh. O.	Ken	~		
	U	NOTARY SIGN	NATURE			
		NOTARE SIG	MATURE			
OFFICE		// /	_			
OFFICIAL SEAL MECHELE BEAL	3	y Shair	1 ~11-	00000		
2 TOTAKY PUBLIC OTATE ASSESSED	[SIGNATION	F CONTRACTOR	WWW 1927/10		
MY COMMISSION EXPIRES 05/28/2013	§ .	SIGNATUREO	r complainanty	DATE		
00/20/2013	ر <u>د</u>	l declare under penalt	y that the foregoing is true an	d correct I swear or affirm		
NOTE WAS ASSESSED.		that I have read the ab knowledge, isformatio	ove charge and that it is true	to the best of my		
NOTARY STAMP		-manicaffs, terocompilo	n and benet			

PARTICULARS

I was employed by Rosecrance Inc. and/or Rosecrance Health Network as an Environmental Service Supervisor beginning on or about September 8, 2009. I am a qualified individual with a disability. I have been diagnosed with anxiety disorder and depression. This disability substantially impairs one or more major life activities.

Despite this disability, I was, at all times, able to perform the essential functions of my job with or without a reasonable accommodation. At all times I have met or exceeded my employer's reasonable job expectations.

On or about April 26, 2010 I informed my employer of my disability and requested two weeks off per my physician's instructions. I was informed by my employer that I must use my vacation and accrued personal time in order to take this time off. On or about May 10, 2010, I requested a reasonable accommodation, specifically to be allowed to return to work on a reduced work schedule for a two week period. I was told by my employer that we would discuss this request on May 11, 2010.

On May 11, 2010 I was terminated without any discussion of my request for an accommodation.

I believe I was terminated based on my disability or perceived disability in violation of the Americans with Disabilities Act. I believe I was denied a reasonable accommodation in violation of the Americans with Disabilities Act. I believe I was retaliated against for requesting an accommodation in violation of the Americans with Disabilities Act.

Case: 3:11-cv-50342 Document #: 1 Filed: 11/18/11 Page 10 of 11 PageID #:10

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC Form 161-B (11/09)

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

c/o l JEN: 220 l	rry Thompson Lisa A. Jensen, Esq. SEN LAW OFFICE, LLC East State Street, Suite 300 kford, IL 61104		From:	Chicago District Office 500 West Madison St Suite 2000 Chicago, IL 60661	
CER	TIFIED MAIL 7011 0110 0001 877 On behalf of person(s) aggrieved w CONFIDENTIAL (29 CFR §1601.7)	hose identity is			
EEOC Char	ge No.	EEOC Representative		Te	elephone No.
440-2011	-02794	Pamela Pribble, Investigator Support As	sst	(3	12) 869-8089
NOTICE TO T	HE PERSON AGGRIEVED:		(See also i	he additional information e	
been issued of your rec state law ma	the Civil Rights Act of 1964, the This is your Notice of Right to Su at at your request. Your lawsuit und the interpretable in the interpretable in the cipt of this notice; or your right to ay be different.)	e, issued under Title VII, the AD der Title VII, the ADA or GINA m o sue based on this charge will b	A or GINA l ust be file e lost. (Th	based on the above-numb	ered charge. It has
X	More than 180 days have passe				
	Less than 180 days have passe be able to complete its administ	ed since the filing of this charge, trative processing within 180 day	but I have s from the	determined that it is unlikel filing of this charge.	ly that the EEOC will
X	The EEOC is terminating its pro	cessing of this charge.			
	The EEOC will continue to proce	ess this charge.		•	
Age Discrin 90 days afte your case:	nination in Employment Act (AD r you receive notice that we have	EA): You may sue under the AI completed action on the charge.	DEA at any In this re	time from 60 days after the gard, the paragraph mark	e charge was filed until ed below applies to
	The EEOC is closing your case. 90 DAYS of your receipt of thi	Therefore, your lawsuit under t s Notice. Otherwise, your right	he ADEA i to sue bas	must be filed in federal or sed on the above-numbered	r state court <u>WITHIN</u> d charge will be lost.
	The EEOC is continuing its hand you may file suit in federal or sta	dling of your ADEA case. Howe	ver, if 60 d time.	ays have passed since the	filing of the charge,
	ct (EPA): You already have the rig state court within 2 years (3 years f ns that occurred more than 2 ye	oi wiikui violayons) oi me allecec	I ⊢P∆ IInac	rngyment This means the	suits must be brought t backpay due for
lf you file suit	, based on this charge, please sen	d a copy of your court complaint	to this offic	е.	
		On behalf of	the Comn	nission	
Enclosures(s) —	Dilin P	· Mr	Min 8	6-19-11
-	•	John P. Ro District Dire			(Date Mailed)

cc:

ROSECRANCE, INC. ROSECRANCE HEALTH NETWORK

Case: 3:11-cv-50342 Document #: 1 Filed: 11/18/11 Page 11 of 11 PageID #:11

EEOC Form 161-B (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

		<u>`</u>				
	y Thompson	From:	Chicago District Office			
	sa A. Jensen, Esq. EN LAW OFFICE, LLC		500 West Madison St Suite 2000			
	ast State Street, Suite 300		Chicago, IL 60661			
	ford, IL 61104					
CERT	IFIED MAIL 7011 0110 0001 8772 0501 CP ATTY	•				
	On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))					
EEOC Charg	e No. EEOC Representativ	e	Telephone No.			
	Pamela Pribble	,				
440-2011-	00505 Investigator Suj	pport Asst	(312) 869-8089			
		(See also t	the additional information enclosed with this form.)			
	E PERSON AGGRIEVED:					
Act (GINA): been issued of your rece	he Civil Rights Act of 1964, the Americans with Disal This is your Notice of Right to Sue, issued under Title VI at your request. Your lawsuit under Title VII, the ADA o eipt of this notice; or your right to sue based on this chay be different.)	ll, the ADA or GINA r GINA <mark>must be fil</mark> e	based on the above-numbered charge. It has ed in a federal or state court <u>WITHIN 90 DAYS</u>			
X	More than 180 days have passed since the filing of this	s charge.				
	Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.					
X	The EEOC is terminating its processing of this charge.					
	The EEOC will continue to process this charge.					
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:						
	The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court <u>WITHIN</u> <u>90 DAYS</u> of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.					
	The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.					
Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.						
If you file suit	, based on this charge, please send a copy of your court o	complaint to this office	ce.			
	Or	n behalf of the Com	mission			
	Julia	P. Ron	en 8-19-11			
Enclosures(July July July July July July July July	ohn P. Rowe, strict Director	(Date Mailed)			

cc:

ROSECRANCE, INC. ROSECRANCE HEALTH NETWORK